

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

vs.

JUAN CARLOS HERNANDEZ

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CRIMINAL NO. 14-CR-2790

UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, JUAN CARLOS HERNANDEZ, Defendant in the above-styled and numbered cause by and through his attorney of record, BROCK BENJAMIN, and files this his Unopposed Motion for Continuance of the proceedings presently pending and as grounds would respectfully show the Court the following:

I.

Sentencing is scheduled for Tuesday, January 27, 2015, at 9:15 a.m.

II.

Juan Hernandez complained of arm pain at his plea on August 13, 2014. At that time, Judge Martinez ordered that the United Marshalls have him examined. Subsequent to that time, he has been seen by a doctor of Neurology at Texas Tech University Medical Center, Dr. Diane Kassar. Dr. Kassar last saw Mr. Hernandez in December, 2014. At that time he was scheduled to be seen by another doctor. This time a surgeon. The undersigned had been requesting medical records but has not received them. The undersigned recently contacted the United States Probation Officer in this matter, Wesley Kuhn and he does not have records of this medical treatment. He stated that the hospital did not respond to his request. The undersigned has submitted a separate request for medical records, and has not received a response as of yet. The undersigned is concerned that if Mr. Hernandez is sentenced he will be moved before a

resolution of his possible surgery. It is Mr. Hernandez's understanding that his next visit is early February. He was originally told that it was January 29th, but states that because he knew the date, the jail has told him that the date would be changed. The undersigned has not been able to confirm his current medical status and would request time to do so.

III.

For the above reason, Attorney for Defendant is unable to proceed in the above entitled and numbered cause as presently scheduled and requests that the sentencing hearing be rescheduled at a later date.

IV.

Assistant United States Attorney Marisa Lizarraga has no objection to the instant motion.

V.

That this continuance is not sought for the purposes of delay, nor is this Motion necessary due to the procrastination, bad planning or bad faith on the part of the Defendant or Defendant's Attorney, but rather, a continuance is necessary for the Defendant receive the medical treatment that involves his spinal cord.

WHEREFORE, PREMISES CONSIDERED, Attorney for Defendant prays that this Motion be, in all things, granted.

Respectfully submitted,

/s/ _____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 23rd day of January, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and service to all CM/ECF registrants.

/s/
BROCK BENJAMIN